

Probate Notes for January 5, 2016

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The Yolo Superior Court is now located at 1000 Main Street, in Woodland. The following probate matters will be heard in **Department Eleven at 9:00 a.m.**

CASE: Conservatorship of Hendrix
Case No. CV PC 12-167

The parties are **DIRECTED TO APPEAR** for the continued hearing as ordered by the Court on November 17, 2015.

CASE: Conservatorship of Marshall
Case No. CV PB 98-189

It is recommended to grant the petitions of Geraldine Corvi and public guardian Kathleen Sylvia for appointment of successor conservator of the estate of Kenneth Marshall.

The parties are **DIRECTED TO APPEAR** to discuss the appointment of a conservator of the person of Mr. Marshall and for appointment of counsel for the conservatee. (Prob. Code, § 1471, subd. (a).)

CASE: Estate of Doud
Case No. CV PB 15-222

The Court notes the following deficiencies:

1. Petitioner failed to file written bond waivers from each heir at law as alleged in paragraph 3(d) of the petition. (Prob. Code, § 8481.)
2. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)

CASE: In the Matter of the Miller Revocable Trust
Case No. CV P2 15-115

It is recommended to deny the petition of successor co-trustee's Thomas Kane and Tracy Kane for an order confirming that the Russell Leroy Miller and Loretta Robben Miller Revocable Trust is the owner of the real properties identified in the petition. The real properties are presumed to be partnership property even though title to the real properties are in the partners individual names. (Prob. Code, § 850, Corp. Code, § 16204, subd. (c), *Rishwain v. Smith* (1947) 77 Cal.App.2d 524, *Swarthout v. Gentry* (1943) 62 Cal.App.2d 68.)